

PRJ:KAC
(7/95)

United States District Court
for the

Northern District of New York

Petition for Warrant or Summons for Offender Under Supervision

LAWRENCE K. BAERMAN, CLERK
ALBANY

JUN 17 2005

Name of Offender: John Volungus

Case Number: 1:03-CR-00409

Name of Sentencing Judicial Officer: Honorable John G. Heyburn II (Western District of Kentucky)
Jurisdiction transferred to the Northern District of New York, U.S. District Court Judge Lawrence E. Kahn
September 2003

Date of Original Sentence: June 14, 1999

Original Offense: 1. Use of Interstate Facility to Attempt and Persuade Person Under 18 Years of Age to Engage in a Sexual Act
2. Possession of Child Pornography
3. Receipt of Child Pornography In Interstate Commerce By Computer

Original Sentence: 53 Months Incarceration followed by 3 years Supervised Release

Type of Supervision: Supervised Release Date Supervision Commenced: May 22, 2003

Asst. U.S. Attorney: Tom Spina Defense Attorney: Randal Perkins(WDKY)

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 **You Shall not view or possess any pornographic or sexually explicit material.**

On April 12, 2004, U.S. Probation Officers observed pornographic images on a computer in the defendant's bedroom. The images appeared to be minors under the age of 18. The defendant indicated in a written statement that he was the only person to use the computer.

- 2 **You Shall not have any direct or indirect contact with a person under the age of 18, unless approved by the Probation Officer.**

The defendant informed U.S. Probation of having unauthorized contact with his niece, Leilana Volungus a minor under the age of 18, on or about March or April of 2005.

Prob 12C

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U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked
☐ Extended for year(s), for a total term of years.

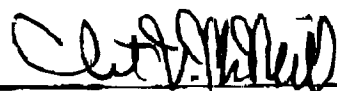
☐ The conditions of supervision should be modified as follows:

Respectfully submitted,

PAUL W. DeFELICE
Chief U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

Approved by:

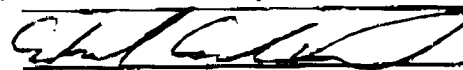


CHRISTOPHER V. MCNEILL
Supervising U.S. Probation Officer

Executed on:

June 17, 2005

by:



EDWARD CARDINAL
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Summons
☐ Other

☒ The Issuance of a Warrant. This petition and all documents attached hereto are SEALED until such time as the warrant generated by this petition is returned executed.

The District Court Clerk's Office is hereby **ORDERED NOT** to serve a copy of this petition or any of the attached documents upon anyone EXCEPT that a copy is to be served upon law enforcement personnel. Copies shall be served upon the unsealing of the petition.



Signature of Judicial Officer

Date

6/17/05